

# **PLAINTIFF'S EXHIBIT O**

STATE OF ILLINOIS        )  
                              )        SS  
COUNTY OF COOK        )

AFFIDAVIT

I, Joey Kelly, being first duly sworn upon oath, depose and state that the following information is true and correct in substance and in fact: On or approximately March 9, 1990, while at work (912 St. Charles, Maywood, IL), I received a phone call from a neighbor who told me that approximately ten detectives were at my apartment (41 S. 16th, Maywood, IL) searching it. I immediately left work and went home to see what was going on.

Once I arrived at my apartment, my person and my vehicle were immediately searched. I was then escorted up to my second floor apartment where my girlfriend, Kim Rouse, was located. After the detectives had gone, Ms. Caroline Powell, who lived in the first floor apartment of the two flat building at 41 S. 16th, told me that the detectives forced her to open the rear back porch door for them, and that once they had gained access, they went up the back stairwell to the second floor apartment and began pounding on the door.

My girlfriend, Kim Rouse, who resided in the second floor apartment with me, told me that she went to the door to see who was beating on it, and when she opened the door, the detectives forced their way into the apartment and began searching it.

LB 00009

SAO 00013

Joey Kelly  
Affidavit  
Page 2

Kim Rouse and I watched the detectives search through all of the belongings in our apartment for approximately one hour. Kim Rouse and I witnessed Detective Zuley searching through my desk, which was located in the living room. We watched Zuley take a photo of a white Jaguar from my desk. The photo belonged to my brother, Kerry Kelly; it was a photo Kerry had taken of my cousin Archie Boyd's vehicle. This picture was photographed by Kerry in our yard in 1986.

In 1986, Kerry and I lived in the same two flat building at 41 S. 16th, Maywood, IL. Kerry lived in the first floor apartment, and I lived in the second floor apartment. In 1990, I was in possession of Kerry's photo of our cousin Archie Boyd's Jaguar along with other belongings of Kerry's because Kerry had relocated, and I had allowed him to store many of his possessions in my apartment.

Kim Rouse and I watched Detective Zuley take from my desk a small piece of Federal Express memo paper which had some information written on it. Zuley put the piece of paper in his pocket along with the aforementioned photo; I believe the memo paper was adhesive in nature. I received the Federal Express memo pad/paper from my cousin Curtis Boyd. Curtis worked for Federal Express; he often gave me FedEx memo pads.

Written on the Federal Express memo paper which I watched Detective Zuley take from my desk were the names of two people

LB 00010

SAO 00014

Joey Kelly  
Affidavit  
Page 3

and two beeper numbers. This particular piece of paper had been in my desk for several years; I hadn't given it a second thought. I never acted on it, and I never threw it away; I forgot about it. I have a habit of keeping everything.

Det. Zuley told me that he was in charge of the searching of my apartment and of the case investigation itself. I asked Zuley if he had a search warrant; he said he didn't have one and didn't need one. Zuley told me to open my safe. I opened it; Zuley searched it and found nothing. Zuley showed me photographs of two Hispanic males and one Black male. He asked if I knew them and said they were suspects in the case under investigating. I didn't know either one and told this to Zuley. Zuley attempted to make small talk with me and began reminiscing about his days in the service. He then gave me his business card, and he and the other detectives left.

Two days later on Sunday, March 11, 1990, Zuley came back to my apartment and retrieved me and took me to my mother's house at 410 S. 17th, Maywood, IL. He wanted to search her house. My mother wouldn't let him perform a search because he didn't have a search warrant, but Zuley wouldn't leave, so, for assistance, she called Attorney Charles Allen. Attorney Allen lived nearby at 152 S. 14th, Maywood, IL. He came over immediately, and after speaking with Zuley for awhile, Zuley finally left.

LB 00011

SAO 00015

Joey Kelly  
Affidavit  
Page 4

The following day, Monday, March 12, 1990, Zuley returned to my mother's house, fetched my brother, Kerry Kelly, and took Kerry with him to the police station at Belmont and Western to be placed in a lineup as a suspect in the case he was investigating.

I never discussed any of the above information with anyone because I was never told exactly what evidence was used in my cousin Lathierial Boyd's case, nor did I know all the parties involved. No investigators ever asked me what, if anything, I knew about the crime, and initially, I didn't want to become any more involved in the case, as Zuley had already illegally searched my apartment and then made a second attempt to search it. As stated above, he also tried to search my mother's house one day, and on a later visit to my mother's house, he forced my brother to go to the police station to participate in a lineup.

In 1990, my only understanding of the case was that apparently, Zuley and his partners were at liberty to show up at my residence whenever they saw fit to do whatever they fancied to myself and my family, but in 1996, I learned information about the case that completely changed my perspective. In 1996, my cousin, Lathierial Boyd, and his family relayed to me the following factual case information:

Detective Zuley testified in said case regarding a certain piece of paper now known as Exhibit #20. One of the victims in the case testified that this same piece of paper was given to him by my cousin, Lathierial Boyd, prior to the crime.

LB 00012

SAO 00016

Joey Kelly  
Affidavit  
Page 5

When I realized that the detective who gave the above testimony was the same Detective Zuley who had searched my apartment illegally and taken that piece of paper from my desk, I knew that there was absolutely no relationship whatsoever between Exhibit #20 and the crime with which Lathierial had been charged.

It was in 1996 that I realized that I had to come forward to tell what I knew to be the truth. This information should clearly prove that my cousin, Lathierial Boyd, is innocent of the crime with which he is charged, and that he was framed.

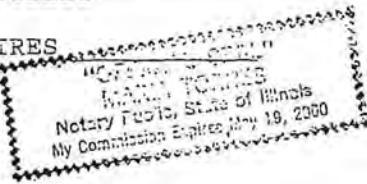
I, Joey Kelly, declare under the penalty of perjury that all of the above information in pages 1, 2, 3, 4, and 5 of this Affidavit is true and correct to the best of my knowledge.

  
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 18<sup>th</sup> DAY OF May, 2002

Maria Jones  
NOTARY PUBLIC

MY COMMISSION EXPIRES



LB 00013

SAO 00017